

Message Text

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TO AMEMBASSY KHARTOUM

INFO AMEMBASSY BRUSSELS

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E.O. 11652: N/A

TAGS: PINS, SV

SUBJECT: KHARTOUM ASSASSINATIONS

REF: KHARTOUM 2510

1. AS REQUESTED REFTTEL FOLLOWING ARE JUDICIAL DECISIONS INDICATING RECEIVING COUNTRY MAY PUNISH CRIMES COMMITTED IN EMBASSIES OF OTHER COUNTRIES. THE CONSISTENCY OF THE RESULT INDICATES INTERNATIONAL CUSTOM ASSURING SUCH JURISDICTION.

A. IN RE TROCHANOFF (1910) FRENCH CRIMINAL TRIBUNAL ASSUMED JURISDICTION IN CASE OF DEFENDANT THREATENING BULGARIAN MINISTER ON PREMISES OF BULGARIAN LEGATION IN PARIS.

B. PROCURER DU ROI C. HIER CHUNG ET CONSORTS (1929) BRUSSELS COURT HELD NO IMMUNITY IN CRIMINAL ACTION FOR THIRD PERSONS COMMITTING AN OFFENSE ON LEGATION PREMISES.

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C. GERMAN COURT IN 1934 HELD IT HAD CRIMINAL

JURISDICTION OVER AFGHAN STUDENT WHO HAD MURDERED AFGHAN
MINISTER WITHIN AFGHAN LEGATION IN BERLIN.

2. ABOVE CASES REFERRED TO IN IV HACKWORTH, DIGEST OF
INTERNATIONAL LAW 565-566.

D. REX V. A.B. (KENT) 1 KB 454 (1941) AMERICAN
CITIZEN CHARGED BY BRITISH, INTER ALIA, WITH LARCENY OF
CERTAIN DOCUMENTS OF AMERICAN EMBASSY IN LONDON; KING'S
BENCH (COURT OF APPEAL) HELD DEFENDANT NOT IMMUNE FROM
PROSECUTION OF ACTS COMMITTED BECAUSE THEY WERE PERFORMED
IN EMBASSY.

E. U.S. V. MOORE AND U.S. V. HARMON (D.C., 1968)
AMERICANS STOLE PLAQUE ON WALL OF SOVIET EMBASSY IN
WASHINGTON; ALTHOUGH SOVIET EMBASSY PERSONNEL DID NOT
TESTIFY AGAINST THEM THEY WERE FOUND GUILTY AND COURT
FOUND FOR PURPOSES OF CRIMINAL JURISDICTION EMBASSY
PREMISES WERE PART OF UNITED STATES.

LATTER TWO CASES REFERRED TO IN 7 WHITEMAN, DIGEST OF
INTERNATIONAL LAW 355-356. KISSINGER

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